

### **REMARKS**

In the final Office Action of May 23, 2011, claims 1-3, 7-13, 15-17, 19-21, 22, and 23 are rejected under 35 USC §102(e) as anticipated by, or in the alternative, under 35 USC §103(a) as obvious over Noguchi, et al (US patent 6,903,652) (hereinafter Noguchi).

With respect to claim 1, the Office asserts that Noguchi shows the claimed planar body by item 53 and the claimed input key by items 55 and 56a. The Office asserts that the wherein clause concerning the key arrangement configured for a handheld portable electronic device is a use limitation and given no patentable weight, but even if the limitation is given patentable weight, the use of the input apparatus in a hand-portable electronic device would have been considered obvious since any particular input device is not limited to one particular use any more than a keyboard disclosed in a car would not be applicable to a hand-held portable device. Applicant respectfully requests reconsideration.

More particularly, claim 1 relates to an apparatus comprising a planar body and an input key. The input key is attachable to the body and the input key is actuable in an axis perpendicular to the plane of the body. The input key is also arranged such that the input key is configured to provide user input by relative movement along confronting surfaces of the body and the input key. The relative movement is rotation about an axis which is perpendicular to an operating face of the planar body. The apparatus is a key arrangement configured for a hand-portable electronic device.

Noguchi relates to an input apparatus for vehicle installed instruments. The input apparatus comprises, among other keys, a jog dial 55 which may be rotated by the user and a joystick 56 which is located in the centre of the jog dial 55.

As noted above and as stated in the previous Office Action, the Office states that the planar body of claim 1 is anticipated by item 53 of Noguchi and that the input key of the claimed embodiments of the invention is anticipated by the rotary jog dial 55 and the joystick 56a of the figures of Noguchi.

The applicants respectfully maintain that this analysis of Noguchi is incorrect. Firstly the embodiments of the invention as claimed clearly require that the input key is actuable both in an axis perpendicular to the plane of a substantial planar body and also by rotational

motion. Therefore in the embodiments of the invention as claimed in claim 1, the same input key provides user input both by rotational movement and movement perpendicular to a planar body. This is clearly not the case in Noguchi where there are two separate user inputs. The joystick 56 is not part of the same input key as the rotary jog dial 55. These are clearly two separate input keys. The rotary jog dial 55 can be rotated but there is no perpendicular movement of the rotary jog dial 55. Similarly there is no suggestion of rotation of the joystick as is required by the embodiments of the invention.

Furthermore, there is no disclosure in Noguchi of providing user input by relative movement along confronting surfaces of the rotary jog dial 55 and the surface 53 as would be necessary to anticipate the features of claim 1. It can be seen from figure 21 of Noguchi that the rotary jog dial (which is not numbered in figure 21) does not have a corresponding surface which confronts with the circuit board 53. Therefore there is no user input provided by relative movement of confronting surfaces as is required by the embodiments of the invention as claimed.

Furthermore as conceded by the Office, Noguchi does not relate to a handheld apparatus. Noguchi specifically relates to an input apparatus for a vehicle installed instrument and so this further differentiates the embodiments of the invention as claimed in claim 1 from Noguchi.

Therefore it is respectfully submitted that claim 1 is clearly novel with respect to Noguchi for at least the above mentioned reasons.

The applicants also respectfully maintain that it would not have been obvious for a person of ordinary skill in the art to modify the teaching of Noguchi to produce something falling within the terms of claim 1. This would require a number of significant modifications to be made to Noguchi, none of which would have been obvious and many of which would have directly contradicted the teaching of Noguchi.

Firstly, it would not have been obvious for a person of ordinary skill in the art to introduce a user input device as disclosed in Noguchi into a handheld apparatus. The Office maintains that this would have been obvious because both cars and handheld devices have user input devices. However this is not logical. Many apparatus have user input devices but

there is no reason why a user input device which is suitable for one type of apparatus to be suitable for another type of apparatus. In particular the user input device of Noguchi is designed for cars and the user input device of the embodiments of the invention is designed for handheld apparatus and these are clearly different. In particular handheld devices are limited by the space available and generally designed to be used while the user is looking at the device. Conversely there is no significant limitation on the space available to a user interface of a car. It should be noted that the user of the user interface in the car will not be looking at the user input device but would be concentrating on driving and so would need to be able to operate the user interface without looking at it or paying too much attention to the user input device. Therefore the design requirements of the two types of user interface are clearly different and a user input device would not necessarily be suitable for use in both types of apparatus.

Therefore it would not have been obvious for a person of ordinary skill in the art to take the teaching of Noguchi and implement it into a handheld portable apparatus. Furthermore the applicants maintain that it would not have been possible for a person of ordinary skill in the art to implement the teaching of Noguchi into a handheld portable apparatus. Noguchi teaches a main input element 7 which is located on an arm rest next to the driver's seat and then an auxiliary input element 9 which is located next to the steering wheel. Therefore Noguchi teaches that it is important to have two different user input devices which are spaced apart. This would not have been possible to have been introduced into a handheld apparatus because there is nothing equivalent to an arm rest and steering wheel in a handheld apparatus. Therefore the applicants maintain that it would not have been possible to make such modification.

Furthermore even if a person of ordinary skill in the art were to look to introduce teaching of Noguchi into a portable handheld apparatus the result still could not be something falling within the terms of claim 1 because the rotary jog dial 55 and the joystick 56a of Noguchi do not correspond to the input key defined in claim 1. It would not have been obvious for a person skilled in the art to modify the jog dial 55 and joystick 56a to replace them with something falling within the terms of claim 1, except with hindsight knowledge of

the embodiments of the invention. There is no hint or suggestion of providing an input key as defined by the claim 1 in Noguchi. This would require many structural changes to the input keys of Noguchi to produce something falling within the terms of claim 1 and there would be no motivation for a person to do this without any knowledge of the embodiments of the invention.

Therefore, for at least the above mentioned reasons, applicants maintain that claim 1 is neither anticipated nor suggested by Noguchi.

Independent claims 19 and 22 recite features corresponding to those discussed above with respect to claim 1 and, for similar reasons, are believed to be neither anticipated nor suggested by Noguchi.

Dependent claims 2, 3, 7-13, 15-17, 20, 21, and 23 are also believed to be allowable over Noguchi at least in view of their ultimate dependency from an independent claim which is believed to be allowable.

For all of the foregoing reasons, it is therefore respectfully requested that the rejection of claims 1-3, 7-13, 15-17, 19-21, 22, and 23 be reconsidered and that the application proceed to allowance.

The undersigned respectfully submits that no fee is due for filing this Response. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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